

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Benjamin Kinard,	)	C.A. No. 6:10-2745-TLW-KFM
a.k.a. Benjamin J. Kinard # 317717,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
Director Jon Ozmint; Assoc. Warden Linda	)	
Bradshaw; Ms. Cook, Kitchen Supervisor;	)	
individually and in their official capacities,	)	
	)	
Defendants.	)	
	)	

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The *pro se* plaintiff filed this action pursuant to Title 42, United States Code, Section 1983 in October, 2010. (Doc. # 1). This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Kevin F. McDonald, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). (Doc. # 36). In his Report, Magistrate Judge McDonald recommends that the defendants’ motion to dismiss for failure to state a claim should be granted. No objections to the Report have been filed.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of

the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 36), and defendants' motion to dismiss is **GRANTED**. (Doc. # 20).

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
TERRY L. WOOTEN  
UNITED STATES DISTRICT JUDGE

July 18, 2011  
Florence, South Carolina